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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Petition to Revoke Probation
14 Against:

15 ROSEMIN BELLAJARO RANIN
16 1540 W. Ball Road, Apt. 11G
17 Anaheim, CA 92802

18 Registered Nurse License No. 532836

19 Respondent.

Case No. 2009-278

**PETITION TO REVOKE
PROBATION**

20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
23 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
24 Registered Nursing, Department of Consumer Affairs.

25 2. On or about June 11, 1997, the Board of Registered Nursing issued
26 Registered Nurse License Number 532836 to Rosemin Bellajaro Ranin (Respondent). The
27 Registered Nurse License expired on November 30, 2008, and has not been renewed.
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1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Comply With the Board's Probation Program)**

3 8. At all times after the effective date of Respondent's probation, Condition
4 3 stated:

5 Petitioner shall fully comply with the conditions of the Probation Program
6 established by the board and cooperate with representatives of the board in its
7 monitoring and investigation of petitioner's compliance with the board's
8 Probation Program. Petitioner shall inform the board in writing within no more
9 than 15 days of any address change and shall at all times maintain an active,
10 current license status with the board, including during any period of suspension.

11 Upon successful completion of probation, petitioner's license shall be
12 fully restored.

13 9. Respondent's probation is subject to revocation because she failed to
14 comply with the conditions of the Probation Program as described more fully in the paragraphs
15 below. Further, Respondent failed to maintain an active, current license in violation of Probation
16 Condition 3, referenced above.

17 **SECOND CAUSE TO REVOKE PROBATION**

18 **(Submit Written Reports)**

19 10. At all times after the effective date of Respondent's probation, Condition
20 6 stated:

21 Petitioner, during the period of probation, shall submit or cause to be
22 submitted such written reports/declarations and verification of actions under
23 penalty of perjury, as required by the board. These reports/declarations shall
24 contain statements relative to petitioner's compliance with all the conditions of
25 the board's Probation Program. Petitioner shall immediately execute all release of
26 information forms as may be required by the board or its representatives.

27 Petitioner shall provide a copy of this decision to the nursing regulatory
28 agency in every state and territory in which she has a registered nurse license.

11. Respondent's probation is subject to revocation because she failed to
submit the following Quarterly Reports in a timely manner:

April-June 2007	Due July 7, 2007	Received July 18, 2007
July-September 2007	Due October 7, 2007	Received October 26, 2007
October-December 2007	Due January 7, 2008	Received January 25, 2008
January-March 2008	Due April 7, 2008	Received April 16, 2008
April-June 2008	Due July 7, 2008	Received July 25, 2008

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1 Additionally, Respondent failed to submit any Quarterly Reports for the following periods as
2 required by Probation Condition 6, referenced above:

3 July-September 2008	Due October 7, 2008
October-December 2008	Due January 7, 2009
4 January-March 2009	Due April 7, 2009

5 **THIRD CAUSE TO REVOKE PROBATION**

6 **(Function as a Registered Nurse)**

7 12. At all times after the effective date of Respondent's probation, Condition
8 7 stated:

9 Petitioner, during the period of probation, shall engage in the practice of
10 registered nursing in California for a minimum of 24 hours per week for 6
consecutive months or as determined by the board.

11 For purposes of compliance with the section, "engage in the practice of
12 registered nursing" may include, when approved by the board, volunteer work as
a registered nurse, or work in any non-direct patient care position that requires
13 licensure as a registered nurse.

14 The board may require that advanced practice nurses engage in advanced
practice nursing for a minimum of 24 hours per week for 6 consecutive months or
15 as determined by the board.

16 If petitioner has not complied with this condition during the probationary
term, and the petitioner has presented sufficient documentation of her good faith
17 efforts to comply with this condition, and if no other conditions have been
violated, the board, in its discretion, may grant an extension of petitioner's
18 probation period up to one year without further hearing in order to comply with
this condition. During the one year extension, all original conditions of probation
19 shall apply.

20 13. Respondent's probation is subject to revocation because she failed to
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 six consecutive months as required by Probation Condition 7, referenced above.

23 **FOURTH CAUSE TO REVOKE PROBATION**

24 **(Complete a Nursing Course(s))**

25 14. At all times after the effective date of Respondent's probation, Condition
26 11 stated:

27 Petitioner, at her own expense, shall enroll and successfully complete a
28 course(s) relevant to the practice of registered nursing no later than six months
prior to the end of her probationary term.

Petitioner shall obtain prior approval from the board before enrolling in the course(s). Petitioner shall submit to the board the original transcripts or certificates of completion for the above required course(s). The board shall return the original documents to petitioner after photocopying them for its records.

15. Respondent's probation is subject to revocation because she failed to submit the Board-ordered Relapse Prevention Plan course by September 2008 as required by Probation Condition 11, referenced above.

FIFTH CAUSE TO REVOKE PROBATION

(Participate in Treatment/Rehabilitation Program for Chemical Dependence)

16. At all times after the effective date of Respondent's probation, Condition 13 stated:

Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the board. If petitioner has not completed a board-approved treatment/rehabilitation program prior to commencement of probation, petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the board shall consider petitioner in violation of probation.

Based on board recommendation, each week petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

17. Respondent's probation is subject to revocation because she failed to attend one Nurse Support Group (NSG) meeting per week and two AA/NA meetings per week. Further, Respondent failed to submit the following NSG/AA/NA meeting attendance verification in a timely manner:

April-June 2007	Due July 7, 2007	Received July 18, 2007
July-September 2007	Due October 7, 2007	Received October 26, 2007
October-December 2007	Due January 7, 2008	Received January 25, 2008
January-March 2008	Due April 7, 2008	Received April 16, 2008
April-June 2008	Due July 7, 2008	Received July 25, 2008

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Respondent further failed to submit any verification of attendance at NSG/AA/NA meetings for the following quarters as required by Probation Condition 13, referenced above.

July-September 2008	Due October 7, 2008
October-December 2008	Due January 7, 2009
January-March 2009	Due April 7, 2009

SIXTH CAUSE TO REVOKE PROBATION

(Submit to Tests and Samples)

18. At all times after the effective date of Respondent's probation, Condition 15 stated:

Petitioner, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the board approves. The length of time and frequency will be subject to approval by the board. The petitioner is responsible for keeping the board informed of petitioner's current telephone number at all times. Petitioner shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the board, as directed. Any confirmed positive finding shall be reported immediately to the board by the program and the petitioner shall be considered in violation of probation.

In addition, petitioner, at any time during the period of probation, shall fully cooperate with the board or any of its representatives, and shall, when requested, submit to such tests and samples as the board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the board files a petition to revoke probation or an accusation, the board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the petitioner shall immediately cease practice and shall not resume practice until notified by the board. After taking into account documented evidence of mitigation, if the board files a petition to revoke probation or an accusation, the board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

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1 19. Respondent's probation is subject to revocation because she failed to
2 comply with the random biological fluid testing program as follows:

3 August 6, 2007	missed test
4 December 21, 2007	missed test/did not call in/account on hold
5 January 2, 2008	missed test/did not call in/account on hold
6 January 16, 2008	missed test/did not call in
7 February 26, 2008	missed test
8 May 2, 2008	missed test/account on hold
9 September 16, 2008	missed test/did not call in

10 Respondent has not submitted a biological fluid sample since August 29, 2008. Since September
11 22, 2008, Respondent has not called the Compass Vision automated notification system for
12 verification of drug test dates as required by Probation Condition 15, referenced above.

13 **SEVENTH CAUSE TO REVOKE PROBATION**

14 **(Therapy or Counseling Program)**

15 20. At all times after the effective date of Respondent's probation, Condition
16 17 stated:

17 Petitioner, at her expense, shall participate in an on-going counseling
18 program until such time as the board releases her from this requirement and only
19 upon the recommendation of the counselor. Written progress reports from the
20 counselor will be required at various intervals.

21 21. Respondent's probation is subject to revocation because she failed to
22 provide verification that she is attending ongoing counseling as required by Probation Condition
23 17, referenced above.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in OAH Case No. N2006110302 and imposing the disciplinary order that was stayed
6 thereby revoking Registered Nurse License No. 532836 issued to Rosemin Bellajaro Ranin;

7 2. Revoking or suspending Registered Nurse License No. 532836 issued to
8 Rosemin Bellajaro Ranin;

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 5/11/09

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14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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Exhibit A
Decision and Order
Office of Administrative Hearings Case No. N2006110302

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

ROSEMIN BELLAJARO RANIN

Registered Nurse License No. 532836

Petitioner.

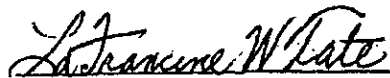
OAH No. N2006110302

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on February 25, 2007.

IT IS SO ORDERED this 25th day of January 2007.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of:

ROSEMIN BELLAJARO RANIN,

OAH No. N2006110302

Registered Nurse License No. 532836

Petitioner.

DECISION

This matter was heard before a quorum of the Board of Registered Nursing in Burlingame, California, on December 14, 2006. Administrative Law Judge Steven C. Owyang, Office of Administrative Hearings, presided.

Attorney W. George Wailes represented petitioner Rosemin Bellajaro Ranin, who was present.

Hannah Hirsch Rose, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

FACTUAL FINDINGS

1. On January 11, 1997, the Board of Registered Nursing issued to petitioner Rosemin Bellajaro Ranin registered nurse license number 532836.

2. On July 2, 2002, the board's executive officer filed an accusation alleging that petitioner was subject to discipline under Business and Professions Code section 2671, subdivision (a), in that she possessed an unknown quantity of methamphetamine, a controlled substance, in violation of Business and Professions Code section 4060, and that she self-administered an unknown quantity of methamphetamine, a controlled substance, without lawful authority. The accusation further alleged that petitioner was subject to discipline under Business and Professions Code section 2671, subdivision (a), on the grounds of unprofessional conduct, as defined by Business and Professions Code section 2762, subdivision (b), in that on or about January 14, 2000, while licensed as a registered nurse, petitioner used methamphetamine, a controlled substance, to an extent or in a manner dangerous or injurious to herself and others.

In a June 27, 2003, default decision and order, the board found that service of the accusation and related documents was proper and in accordance with the law. The board also found cause to revoke petitioner's license based on the allegations in the accusation. The board revoked petitioner's license.

3. Petitioner filed a petition for reinstatement on September 17, 2006. The board has jurisdiction over this petition pursuant to Government Code section 11522.

4. Petitioner complied with court orders, completed a drug diversion program and counseling, and participated in support groups including Narcotics Anonymous. Her sobriety date is in January 2000. The Orange County Superior Court has allowed her to withdraw her guilty plea and has dismissed her case.

5. Since the revocation of her license, petitioner has worked at a retirement home as a live-in caregiver for an elderly individual with hydrocephalus, as a babysitter, and as an infant caregiver. She has received positive letters of recommendation from her employers for each of those settings.

6. Petitioner accepts responsibility for her past mistakes. She has worked to reconstruct her life. She has moved to a new place and made a fresh start. She has attended continuing education courses, including a ten-hour course on influenza, a five-hour course on osteoporosis diagnosis and treatment, and a fifteen-hour course on clinical management of patients with ventricle arrhythmias.

7. Petitioner had a baby in 2005. She continues to nurse her son and is expecting another child in the near future.

8. Petitioner desires to return to the nursing profession. She wishes to support her parents and family in the Philippines and to be a responsible mother for her children.

9. Petitioner's former employer, Healthcare Professionals Registry, provided a letter saying that petitioner was conscientious and compassionate toward her patients and liked by her peers and supervisors. Healthcare Professionals Registry expressed interest in rehiring petitioner should she be allowed to work as a registered nurse. A separate letter from the staffing coordinator at Healthcare Professionals Registry notes that petitioner has kept in touch and that the company is aware of her rehabilitation efforts.

LEGAL CONCLUSIONS

Petitioner is commended for the significant steps she has taken in her rehabilitation. She has established cause to grant her petition for reinstatement, subject to completion of a nurse refresher course prior to resumption of practice.

ORDER

The application of petitioner of Rosemin Bellajaro Ranin for reinstatement of licensure is hereby granted. A license shall be issued to petitioner. Said license shall immediately be revoked, the order of revocation stayed and petitioner placed on probation for a period of three years on the following conditions.

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. NURSE REFRESHER COURSE – Petitioner shall enroll in and successfully complete a refresher course or equivalent set of courses as approved by representatives of the Board. Petitioner is suspended from practice until the required course work is successfully completed, but may use her license for the limited purpose of completing clinical requirements of the required coursework.
2. OBEY ALL LAWS – Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by petitioner to the board in writing within 72 hours of occurrence. To permit monitoring of compliance with this condition, petitioner shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If petitioner is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3. COMPLY WITH THE BOARD'S PROBATION PROGRAM – Petitioner shall fully comply with the conditions of the Probation Program established by the board and cooperate with representatives of the board in its monitoring and investigation of petitioner's compliance with the board's Probation Program. Petitioner shall inform the board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the board, including during any period of suspension.

Upon successful completion of probation, petitioner's license shall be fully restored.

4. REPORT IN PERSON – Petitioner, during the period of probation, shall appear in person at interviews/meetings as directed by the board or its designated representatives.
5. RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE – Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Petitioner's probation is tolled if and when she resides outside of California. Petitioner must provide written notice to the board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Petitioner shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Petitioner shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Petitioner shall inform the board if she applies for or obtains a new nursing license during the term of probation.

6. SUBMIT WRITTEN REPORTS – Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the board. These reports/declarations shall contain statements relative to petitioner's compliance with all the conditions of the board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the board or its representatives.

Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

7. FUNCTION AS A REGISTERED NURSE – Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for six consecutive months or as determined by the board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for six consecutive months or as determined by the board.

If petitioner has not complied with this condition during the probationary term, and petitioner has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the board, in its discretion, may grant an extension of petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS

– Petitioner shall obtain prior approval from the board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the board all performance evaluations and other employment related reports as a registered nurse upon request of the board.

Petitioner shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, petitioner shall notify the board in writing within 72 hours after she obtains any nursing or other health care related employment. Petitioner shall notify the board in writing within 72 hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

9. SUPERVISION – Petitioner shall obtain prior approval from the board regarding petitioner's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum – The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate – The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours petitioner works.
- (c) Minimum – The individual providing supervision and/or collaboration has person-to-person communication with petitioner at least twice during each shift worked.
- (d) Home Health Care – If petitioner is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with petitioner as required by the board each work day. Petitioner shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the board, periodic, on-site visits to patients' homes visited by petitioner with or without petitioner present.

10. EMPLOYMENT LIMITATIONS – Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Petitioner shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the board. Petitioner shall not work in any other registered nursing occupation where home visits are required.

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The board may additionally restrict petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Petitioner shall not work as a faculty member in an approved school of nursing or as an instructor in a board approved continuing education program.

Petitioner shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If petitioner is working or intends to work in excess of 40 hours per week, the board may request documentation to determine whether there should be restrictions on the hours of work.

11. COMPLETE A NURSING COURSE(S) – Petitioner, at her own expense, shall enroll in and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Petitioner shall obtain prior approval from the board before enrolling in the course(s). Petitioner shall submit to the board the original transcripts or certificates of completion for the above required course(s). The board shall return the original documents to petitioner after photocopying them for its records.

12. PHYSICAL EXAMINATION – Within 45 days of the effective date of this decision, petitioner, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the board before the assessment is performed, submit an assessment of the petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the board. If medically determined, a recommended treatment program will be instituted and followed by the petitioner with the physician, nurse practitioner, or physician assistant providing written reports to the board on forms provided by the board.

If petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the board and petitioner by telephone, and the board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the board. During this period of suspension, petitioner shall not engage in any practice for which a license issued by the board is required until the board has notified petitioner that a medical determination permits petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the petitioner fails to have the above assessment submitted to the board within the 45-day requirement, petitioner shall immediately cease practice and shall not resume practice until notified by the board. This

period of suspension will not apply to the reduction of this probationary time period. The board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

13. PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE – Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the board. If petitioner has not completed a board-approved treatment/rehabilitation program prior to commencement of probation, petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the board shall consider petitioner in violation of probation.

Based on board recommendation, each week petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

14. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS – Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the board, in writing and within 14 days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the petitioner's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the board a single physician, nurse practitioner or physician assistant who shall be aware of petitioner's

history of substance abuse and will coordinate and monitor any prescriptions for petitioner for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the board on a quarterly basis petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

15. SUBMIT TO TESTS AND SAMPLES – Petitioner, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the board approves. The length of time and frequency will be subject to approval by the board. Petitioner is responsible for keeping the board informed of petitioner's current telephone number at all times. Petitioner shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the board, as directed. Any confirmed positive finding shall be reported immediately to the board by the program and the petitioner shall be considered in violation of probation.

In addition, petitioner, at any time during the period of probation, shall fully cooperate with the board or any of its representatives, and shall, when requested, submit to such tests and samples as the board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the board files a petition to revoke probation or an accusation, the board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, petitioner shall immediately cease practice and shall not resume practice until notified by the board. After taking into account documented evidence of mitigation, if the board files a petition to revoke probation or an accusation, the board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation.

This period of suspension will not apply to the reduction of this probationary time period.

16. MENTAL HEALTH EXAMINATION – Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the board. All costs are the responsibility of petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by petitioner.

If petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the board and petitioner by telephone, and the board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the board. During this period of suspension petitioner shall not engage in any practice for which a license issued by the board is required until the board has notified petitioner that a mental health determination permits petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to have the above assessment submitted to the board within the 45-day requirement, petitioner shall immediately cease practice and shall not resume practice until notified by the board. This period of suspension will not apply to the reduction of this probationary time period. The board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

17. THERAPY OR COUNSELING PROGRAM – Petitioner, at her expense, shall participate in an on-going counseling program until such time as the board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

18. VIOLATION OF PROBATION – If petitioner violates the conditions of her probation, the board after giving petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of petitioner's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the board.

19. LICENSE SURRENDER – During petitioner's term of probation, if she ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the conditions of probation, petitioner may surrender her license to the board. The board reserves the right to evaluate petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, petitioner will no longer be subject to the conditions of probation.

DATED: January 25, 2007



LAFRANCINE TATE

President

Board of Registered Nursing

1 BILL LOCKYER, Attorney General
of the State of California
2 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
3 California Department of Justice
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6
7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2003-3

11 ROSEMIN BELLAJARO RANIN
14604 Enselvado Avenue
12 La Mirada, CA 90638

OAH No. L-2002090671

**DEFAULT DECISION
AND ORDER**

13 Registered Nurse License No. RN 532836

[Gov. Code, §11520]

14 Respondent.

15
16 **FINDINGS OF FACT**

17 1. On or about July 2, 2002, Complainant Ruth Ann Terry, M.P.H., R.N., in
18 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Accusation No. 2003-3 against Rosemin Bellajaro Ranin (Respondent)
20 before the Board of Registered Nursing.

21 2. On or about June 11, 1997, the Board of Registered Nursing (Board)
22 issued Registered Nurse License No. RN 532836 to Respondent. The Registered Nurse License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 November 30, 2004, unless renewed.

25 3. On or about July 8, 2002, Gail C. Griffith, an employee of the Department
26 of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2003-3,
27 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
28

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is 14604 Enselvado Avenue, La Mirada, CA 90638. A copy of the Accusation, related
3 documents, and Declaration of Service are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about July 23, 2002, Respondent signed and returned a Notice of
7 Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail to
8 Respondent's address of record and upon her attorney, Doug Ostrand, Esq., and it informed them
9 that an administrative hearing in this matter was scheduled for April 11, 2003. Respondent failed
10 to appear at that hearing. A copy of Respondent's Notice of Defense, the Notice of Hearing, and
11 Declaration of Service are incorporated herein by reference.

12 6. Government Code section 11506 states, in pertinent part:

13 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
15 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
16 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

17 7. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
19 agency may take action based upon the respondent's express admissions or upon other evidence
20 and affidavits may be used as evidence without any notice to respondent."

21 8. Pursuant to Government Code section 11520, following Respondent's
22 failure to appear for the hearing as scheduled, the agency chose to take the matter off calendar
23 and issue a default decision and order. The Board takes this action without further hearing and
24 finds that the allegations, and each of them, in Accusation No. 2003-3 are true.

25 9. The total costs for investigation and enforcement are \$6,785.50, through
26 April 18, 2003.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Rosemin Bellajaro
3 Ranin has subjected her Registered Nurse License No. RN 532836 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. Service of Accusation No. 2003-3 and related documents was proper and
6 in accordance with the law.

7 4. The Board of Registered Nursing is authorized to revoke Respondent's
8 Registered Nurse License based upon the following violations alleged in the Accusation:

9 a. Business and Professions Code sections 2761(a) and 2762(a), for
10 unprofessional conduct in that Respondent possessed and self-administered a controlled
11 substance (methamphetamine).

12 b. Business and Professions Code sections 2761(a) and 2762(b), for
13 unprofessional conduct in that Respondent used a controlled substance to an extent or in a
14 manner dangerous or injurious to herself and others.

15 ORDER

16 IT IS SO ORDERED that Registered Nurse License No. RN 532836, heretofore
17 issued to Respondent Rosemin Bellajaro Ranin, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may
19 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
20 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
21 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
22 statute.

23 This Decision shall become effective on July 27, 2003.

24 It is so ORDERED June 27, 2003

25 *Sandra R. Erickson*

26 FOR THE BOARD OF REGISTERED NURSING
27 DEPARTMENT OF CONSUMER AFFAIRS

28 DOJ docket number:03579110-LA2001AD2309
default/prepared by cak/tlr

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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2003-3

12 **ROSEMIN BELLAJARO RANIN**
14604 Ensolvado Avenue
13 La Mirada, California 90638
Registered Nurse License No. 532836

ACCUSATION

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 (Board), Department of Consumer Affairs.

21 2. On or about June 11, 1997, the Board issued Registered Nurse License
22 Number 532836 to Rosemin Bellajaro Ranin (Respondent). The license was in full force and
23 effect at all times relevant to the charges brought herein and will expire on November 30, 2002,
24 unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code (Code) provides, in
27 pertinent part, that the Board may discipline any licensee, including a licensee holding a

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1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of
4 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under section
6 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
7 the expiration.

8 5. Section 2761(a) of the Code states that the board may take disciplinary
9 action against a certified or licensed nurse for unprofessional conduct.

10 6. Section 2762 of the Code states, in pertinent part, that in addition to other
11 acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice
12 Act], it is unprofessional conduct for a person licensed under this chapter to do any of the
13 following:

14 (a) Obtain or possess in violation of law, or prescribe, or except as
15 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
16 himself or herself, or furnish or administer to another, any controlled substance
as defined in Division 10 (commencing with Section 11000) of the Health and
Safety Code or any dangerous drug or dangerous device as defined in Section
4022.

17 (b) Use any controlled substance as defined in Division 10
18 (commencing with Section 11000) of the Health and Safety Code, or any
19 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
20 beverages, to an extent or in a manner dangerous or injurious to himself or
21 himself, any other person, or the public or to the extent that such use impairs
his or her ability to conduct with safety to the public the practice authorized
by his or her license . . .

22 7. Section 4060 of the Code states, in pertinent part, that no person shall
23 possess any controlled substance except that furnished to a person upon the prescription of a
24 physician, dentist, podiatrist, or veterinarian.

25 8. Section 492 of the Code states, in pertinent part, that notwithstanding any
26 other provision of law, successful completion of any diversion program under the Penal Code, or
27 successful completion of an alcohol and drug problem assessment program under Article 5
28 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall

1 not prohibit any agency established under Division 2 (commencing with Section 500) of this
2 code, or any initiative act referred to in that division, from taking disciplinary action against a
3 licensee or from denying a license for professional misconduct, notwithstanding that evidence of
4 that misconduct may be recorded in a record pertaining to an arrest. This section shall not be
5 construed to apply to any drug diversion program operated by any agency established under
6 Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that
7 division.

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 10. Drugs

13 "Methamphetamine" is a Schedule II controlled substance as designated by Health
14 and Safety Code section 11055(d)(2).

15 FIRST CAUSE FOR DISCIPLINE

16 (Possession and Self-Administration of Controlled Substances)

17 11. Respondent is subject to disciplinary action under Code section 2671(a) on
18 the grounds of unprofessional conduct, as defined by Code section 2762(a), in that on or about
19 January 14, 2000, while licensed as a registered nurse, Respondent did the following:

20 a. Respondent possessed an unknown quantity of methamphetamine, a
21 controlled substance, in violation of Code 4060.

22 b. Respondent self-administered an unknown quantity of methamphetamine,
23 a controlled substance, without lawful authority therefor.

24 SECOND CAUSE FOR DISCIPLINE

25 (Use of Controlled Substances to an Extent
26 or in a Manner Dangerous or Injurious to Others)

27 12. Respondent is subject to disciplinary action under Code section 2761(a) on
28 the grounds of unprofessional conduct, as defined by Code section 2762(b), in that on or about

1 January 14, 2000, while licensed as a registered nurse, Respondent used methamphetamine,
2 a controlled substance, to an extent or in a manner dangerous or injurious to herself and others.

3 PRAYER


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 532836, issued
7 to Rosemin Bellajaro Ranin;

8 2. Ordering Rosemin Bellajaro Ranin to pay the Board of Registered Nursing
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 7/2/02.

13
14 
15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California

20 Complainant
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